



General Assembly

January Session, 2011

Raised Bill No. 6331

LCO No. 3129

03129_____GAE

Referred to Committee on Government Administration and Elections

Introduced by:
(GAE)

AN ACT CONCERNING TECHNICAL AMENDMENTS TO CERTAIN ELECTION-RELATED STATUTES REGARDING TABULATORS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsections (a) and (b) of section 9-168a of the general
2 statutes are repealed and the following is substituted in lieu thereof
3 (*Effective from passage*):

4 (a) Any provision of the general statutes to the contrary
5 notwithstanding, in any municipality in which, at any election, or
6 primary, as a result of the assembly, senatorial or congressional district
7 lines in effect, there is a voting district or a part of a voting district
8 which differs geographically from the district lines as constituted in a
9 municipal election year, the registrars of voters may either provide a
10 suitable polling place therein or may, in lieu thereof, with the approval
11 of the legislative body of the municipality, provide separate voting
12 [machines] tabulators in the polling place of another voting district in
13 [said] such municipality for use by such electors. The registrars of
14 voters shall determine which polling place officials are necessary for

15 such separate [machines] tabulators and shall provide the procedure to
16 ensure that the electors use the proper voting [machine] tabulator,
17 which procedure may include the registrars of voters prescribing and
18 providing receipts.

19 (b) Any provision of the general statutes to the contrary
20 notwithstanding, in any municipality in which, at any election or
21 primary, as a result of the assembly, senatorial or congressional district
22 lines in effect, there is a voting district with less than one thousand five
23 hundred electors who vote for a combination of officers that no other
24 electors of the town vote for, the registrars of voters may either
25 provide a suitable polling place therein or may, in lieu thereof, provide
26 separate voting [machines] tabulators in the polling place of another
27 voting district in [said] such municipality for use by such electors. If
28 the registrars of voters provide separate voting [machines] tabulators
29 in the polling place of another voting district, they shall determine
30 which polling place officials are necessary for the district containing
31 less than one thousand five hundred electors and shall provide the
32 procedure to ensure that the electors use the proper voting [machines]
33 tabulator, which procedure may include the registrars of voters
34 prescribing and providing receipts.

35 Sec. 2. Section 9-188 of the general statutes is repealed and the
36 following is substituted in lieu thereof (*Effective from passage*):

37 Unless otherwise provided by law each town shall, at its regular
38 municipal election, elect a first selectman, who shall be town agent
39 unless otherwise provided by law, and two other selectmen or, in the
40 case of any town having a population of ten thousand or more, not
41 more than six other selectmen. The selectmen so elected shall
42 constitute the board of selectmen for such town. Unless otherwise
43 provided by special act, charter or ordinance the votes cast, including
44 any valid write-in votes, for an unsuccessful candidate for first
45 selectman shall be counted as votes for him as a member of such
46 board, provided no elector may be a candidate for both the office of

47 first selectman and that of selectman by virtue of nomination by a
 48 major or minor party or a nominating petition or registration of write-
 49 in candidacy, or any combination thereof. The provisions of section 9-
 50 167a shall apply to the election of selectmen, except that when the total
 51 membership of such board is five, the maximum number who may be
 52 members of the same political party shall be three, and provided that
 53 for the purpose of determining minority representation, the total
 54 membership of such board shall be deemed to include the first
 55 selectman, unless otherwise provided by special act or charter. Unless
 56 otherwise provided by special act, charter or ordinance, an elector shall
 57 not vote for more candidates for the office of selectman than a political
 58 party can elect pursuant to section 9-167a, provided that the number of
 59 such candidates that an elector can vote for shall be deemed to include
 60 the first selectman. If the electors fail to elect a first selectman at any
 61 election by reason of an equality of votes, such election for the office of
 62 first selectman and the election for selectmen shall stand adjourned
 63 and such adjourned election shall be held as provided in section 9-332.
 64 The [ballot labels] ballots used in such adjourned election shall contain
 65 only the names of the candidates for the offices of first selectman and
 66 selectman which appeared on the ballot [label] used in the election at
 67 which the tie vote resulted for the office of first selectman.

68 Sec. 3. Section 9-224 of the general statutes is repealed and the
 69 following is substituted in lieu thereof (*Effective from passage*):

70 If any special election is called to fill a vacancy in any office on the
 71 same day as a regular election, the names of the candidates for such
 72 office shall be placed on the same [voting machine] ballot as the names
 73 of the candidates to be voted for at such regular election, and except as
 74 otherwise specifically provided by statute, the provisions of the
 75 statutes governing regular elections shall apply to such special
 76 election.

77 Sec. 4. Subsection (b) of section 9-229 of the general statutes is
 78 repealed and the following is substituted in lieu thereof (*Effective from*

79 *passage*):

80 (b) The Secretary of the State shall (1) request registrars of voters to
 81 volunteer to serve as instructors for moderators and alternate
 82 moderators, (2) select registrars from among such volunteers to serve
 83 as such instructors, (3) establish a curriculum for instructional sessions
 84 for moderators and alternate moderators, (4) establish the number of
 85 such instructional sessions, provided at least one such instructional
 86 session shall be held in each congressional district in each calendar
 87 year, (5) train the instructors for such sessions, and (6) certify
 88 moderators and alternate moderators. The curriculum for such
 89 instructional sessions shall include, without limitation, procedures for
 90 counting and recording absentee ballots, "hands on" training in the use
 91 of voting [machines] tabulators, and the duties of a moderator in the
 92 conduct of a primary and election. The secretary may employ
 93 assistants on a temporary basis within existing budgetary resources for
 94 the purpose of implementing the provisions of this section. Such
 95 assistants shall not be subject to the provisions of chapter 67. The
 96 instructors shall conduct instructional sessions for moderators and
 97 alternate moderators in accordance with their training by the Secretary
 98 of the State and the curriculum for such sessions. Any elector may
 99 attend one or more of such instructional sessions. Each instructor shall
 100 provide the Secretary of the State with the name and address of each
 101 person who completes such a session.

102 Sec. 5. Section 9-236a of the general statutes is repealed and the
 103 following is substituted in lieu thereof (*Effective from passage*):

104 Any town, on its own initiative or upon a request by the Secretary of
 105 the State, and with the approval of the legislative body of the town or,
 106 in the case of a town in which the legislative body is a town meeting,
 107 the board of selectmen, may require a spare voting [machine] tabulator
 108 or ballot box to be provided inside any polling place or in a room
 109 adjacent to the polling place, for the educational use of students from
 110 kindergarten to grade twelve, inclusive. Upon such approval, the

111 registrars of voters shall establish procedures for the use of the
 112 [machine] tabulator or ballot box, including, but not limited to: (1)
 113 Location and preparation of the [machine] tabulator or ballot box, (2)
 114 duties of [machine] tabulator or ballot box tenders, and (3) canvassing
 115 the returns. Any such machine shall be in addition to the demonstrator
 116 or spare voting [machine] tabulator required by section 9-260. Ballots
 117 completed by students under this section shall be unofficial, and
 118 polling place officials shall not be required to handle or count such
 119 ballots. Each student who will be using such [machine] tabulator or
 120 ballot box inside a polling place or a room adjacent to the polling place
 121 shall be accompanied by an adult. The supervisor of such students for
 122 the purposes of this section shall submit the names of all adults who
 123 will be working with such students to the registrars at least forty-eight
 124 hours before the election.

125 Sec. 6. Section 9-238 of the general statutes is repealed and the
 126 following is substituted in lieu thereof (*Effective from passage*):

127 (a) Except as provided in [sections 9-271 and] section 9-272, voting
 128 [machines] tabulators shall be used at all elections held in any
 129 municipality, or in any part thereof, for voting and registering and
 130 counting votes cast at such elections for officers, and upon all
 131 questions or amendments submitted at such elections. The board of
 132 selectmen of each town, the common council of each city and the
 133 warden and burgesses of each borough shall purchase or lease, or
 134 otherwise provide, for use at elections in each such municipality a
 135 number of voting tabulators approved by the Secretary of the State.
 136 Different voting tabulators may be provided for different voting
 137 districts in the same municipality. Notwithstanding any provision of
 138 this subsection to the contrary, the registrars of voters of a
 139 municipality may determine the number of voting tabulators that shall
 140 be provided for use at any special election in such municipality,
 141 provided the registrars shall provide at least one voting tabulator in
 142 the municipality or, in a municipality divided into voting districts, at
 143 least one voting tabulator in each such district.

144 (b) Upon the purchase or lease of a voting tabulator for use in any
 145 municipality, the officials of such municipality purchasing or leasing
 146 the same shall forthwith send notification in writing to the Secretary of
 147 the State of the name or make of such tabulator, the name of the person
 148 who manufactured the same, the name of the person from whom it
 149 was purchased or leased and the date on which it was purchased or
 150 leased. No voting tabulator shall be used in an election which, in the
 151 opinion of the Secretary of the State, does not conform to the
 152 requirements of law, is unsuitable for use in such election or does not
 153 comply with the voluntary performance and test standards for voting
 154 systems adopted by the Election Assistance Commission pursuant to
 155 the Help America Vote Act, P.L. 107-252, 43 USC 15481. When in any
 156 municipality the use of a voting tabulator at elections is discontinued
 157 because of its age or condition or because it is sold, or for any other
 158 reason, such officials shall send written notification to the Secretary of
 159 the discontinuance of such tabulator, of the time of and reason for such
 160 discontinuance and of the information required in connection with
 161 notification of original purchasing or leasing.

162 Sec. 7. Section 9-239 of the general statutes is repealed and the
 163 following is substituted in lieu thereof (*Effective from passage*):

164 The fiscal authority in each municipality shall authorize payment of
 165 the bill incurred for the purchase or lease or other method of
 166 acquisition of an adequate number of voting [machines] tabulators
 167 incurred by the officials responsible for providing the same under the
 168 provisions of section 9-238, as amended by this act.

169 Sec. 8. Section 9-240 of the general statutes is repealed and the
 170 following is substituted in lieu thereof (*Effective from passage*):

171 The board of selectmen in each town, unless otherwise provided by
 172 law, shall provide or may authorize the registrars of voters to provide
 173 a suitable room or rooms and voting [machine] booths for holding all
 174 elections. The interior of the booths shall be secure from outside
 175 observation. [Said] Such board shall provide for each polling place, in

176 accordance with the requirements of section 9-238, as amended by this
177 act, one or more voting [machines] tabulators in complete working
178 order, and shall preserve and keep them in repair and have the
179 custody of the voting [machines] tabulators, and the care and custody
180 of the furniture and equipment of the polling place, when not in use at
181 an election.

182 Sec. 9. Section 9-240a of the general statutes is repealed and the
183 following is substituted in lieu thereof (*Effective from passage*):

184 Not more than two hundred ten days nor less than thirty days prior
185 to each regular election for state officers, each voting [machine]
186 tabulator to be used in the next succeeding regular election, including
187 each additional [machines] tabulator required under section 9-238, as
188 amended by this act, shall be examined by the company which
189 manufactured the same or its successor or, with the approval of the
190 Secretary of the State, by persons skilled in the mechanics and
191 operation of [said machines] such tabulator, for the purpose of
192 determining that such [machine] tabulator is in sound operable
193 condition for use in such election. Arrangements for such examination
194 shall be made by the officials responsible for providing voting
195 [machines] tabulators under section 9-238, as amended by this act. The
196 company or person making such examination shall file a report with
197 respect to each [machine] tabulator with the Secretary of the State and
198 with [said] such officials, indicating whether or not such [machine]
199 tabulator is in sound operable condition. When, as a result of any such
200 examination, a [machine] tabulator is found not to be in sound
201 operable condition, [said] such officials shall have such machine
202 repaired, or shall provide a voting [machine] tabulator in sound
203 operable condition to replace the [machine] tabulator found
204 inoperable. The cost for such examination in each town shall be paid
205 by such town. Failure to cause the examination of a voting [machine]
206 tabulator, as herein required, shall not, of itself, prevent the use of such
207 [machine] tabulator in any election.

208 Sec. 10. Section 9-242b of the general statutes is repealed and the
209 following is substituted in lieu thereof (*Effective from passage*):

210 The following procedures shall apply to any election or primary in
211 which one or more direct recording electronic voting [machines]
212 tabulators are used:

213 (1) Any elector who requires assistance by reason of blindness,
214 disability, or inability to read or write shall have the right to request
215 assistance inside the voting booth by a person of the elector's choice in
216 accordance with 42 USC 1973aa-6, as amended from time to time, or
217 section 9-264.

218 (2) A canvass of the votes shall take place inside the polling place
219 immediately following the close of the polls on the day of the election
220 or primary in accordance with the requirements of chapter 148. With
221 respect to direct recording electronic voting [machines] tabulators, any
222 such canvass shall be an electronic vote tabulation of all of the votes
223 cast on each such voting [machine] tabulator for each candidate and
224 question or proposal, and the moderator shall attach a printout of such
225 electronic vote tabulation to the tally sheets. The moderator shall then
226 add together all of the votes recorded on each voting [machine]
227 tabulator in use at the polling place, whether or not such voting
228 [machines] tabulators were direct recording electronic voting
229 [machines] tabulators, to produce a cumulative count within the
230 polling place of all candidates and any questions or proposals
231 appearing on the ballot in the election or primary. Any member of the
232 public shall have a right to be present in the polling place to observe
233 the canvass of the votes beginning as soon as the polls are declared
234 closed by the moderator and continuing throughout the canvass of the
235 votes of each voting [machine] tabulator until the final canvass of all of
236 the votes cast on all of the voting [machines] tabulators in use in the
237 polling place are added together for each candidate and question or
238 proposal and publicly announced and declared by the moderator.

239 (3) If a recanvass of the votes is required pursuant to chapter 148,

240 the recanvass officials shall, in addition to the other requirements of
 241 said chapter, conduct a manual tally of the individual, permanent,
 242 voter-verified, paper records contemporaneously produced by each
 243 direct recording electronic voting [machine] tabulator used within the
 244 geographical jurisdiction that is subject to such recanvass. The manual
 245 tally conducted for the recanvass shall be limited to the particular
 246 candidates and questions or proposals that are subject to recanvass. If
 247 the manual tabulation of such contemporaneously produced paper
 248 records does not reconcile with the electronic vote tabulation of a
 249 particular direct recording electronic voting [machine] tabulator or
 250 [machines] tabulators, such contemporaneously produced paper
 251 records shall be considered the true and correct record of each elector's
 252 vote on such electronic voting [machine] tabulator or [machines]
 253 tabulators and shall be used as the official record for purposes of
 254 declaring the official election results or for purposes of any subsequent
 255 recanvass, tally or election contest conducted pursuant to chapters 148
 256 to 153, inclusive. If any of the contemporaneously produced
 257 individual, permanent, voter-verified paper records are found to have
 258 been damaged in such manner as they are unable to be manually
 259 tallied with respect to the ballot positions that are the subject of the
 260 recanvass, each such damaged record shall be matched against the
 261 voting [machine] tabulator generated, individual, permanent, paper
 262 record produced by the voting [machine] tabulator bearing the
 263 identical [machine-generated] tabulator-generated unique identifier as
 264 the damaged record and, in such instance, shall be substituted as the
 265 official record for purposes of determining the final election results or
 266 for purposes of any subsequent recanvass, tally or election contest.

267 (4) Notwithstanding the provisions of section 9-311, the Secretary of
 268 the State may order a discrepancy recanvass under said section of the
 269 returns of an election or a primary for a district office, a state office or
 270 the office of elector of President and Vice-President of the United
 271 States, if the Secretary has reason to believe that discrepancies may
 272 have occurred that could affect the outcome of the election or primary.
 273 Any such discrepancy recanvass may be conducted of the returns in

274 any or all voting districts in (A) the district in which an election or
275 primary is held, in the case of an election or primary for a district
276 office, or (B) the state, in the case of an election or primary for a state
277 office or the office of elector of President and Vice-President of the
278 United States or a presidential preference primary, whichever is
279 applicable. As used in this subdivision, "district office" and "state
280 office" have the same meanings as provided in section 9-372, as
281 amended by this act.

282 (5) Not later than five business days after each election in which a
283 direct recording electronic voting [machine] tabulator is used, the
284 registrars of voters or their designees, representing at least two
285 political parties, shall conduct a manual audit of the votes recorded on
286 at least (A) two direct recording electronic voting [machines]
287 tabulators used in each assembly district, or (B) a number of direct
288 recording electronic voting [machines] tabulators equal to fifty per cent
289 of the number of voting districts in the municipality, whichever is less.
290 Not later than five business days after a primary in which a direct
291 recording electronic voting [machine] tabulator is used, the registrar of
292 voters of the party holding the primary shall conduct such a manual
293 audit by designating two or more individuals, one of whom may be
294 the registrar, representing at least two candidates in the primary. The
295 [machines] tabulators audited under this subdivision shall be selected
296 in a random drawing that is announced in advance to the public and is
297 open to the public. All direct recording electronic voting [machines]
298 tabulators used within an assembly district shall have an equal chance
299 of being selected for the audit. The Secretary of the State shall
300 determine and publicly announce the method of conducting the
301 random drawing, before the election. The manual audit shall consist of
302 a manual tabulation of the contemporaneously produced, individual,
303 permanent, voter-verified, paper records produced by each voting
304 [machine] tabulator subject to the audit and a comparison of such
305 count, with respect to all candidates and any questions or proposals
306 appearing on the ballot, with the electronic vote tabulation reported
307 for such voting [machine] tabulator on the day of the election or

308 primary. Such audit shall not be required if a recanvass has been, or
309 will be, conducted on the voting [machine] tabulator. Such manual
310 audit shall be noticed in advance and be open to public observation. A
311 reconciliation sheet, on a form prescribed by the Secretary of the State,
312 that reports and compares the manual and electronic vote tabulations
313 of each candidate and question or proposal on each such voting
314 [machine] tabulator, along with any discrepancies, shall be prepared
315 by the audit officials, signed and forthwith filed with the town clerk of
316 the municipality and the Secretary of the State. If any
317 contemporaneously produced, individual, permanent, voter-verified,
318 paper record is found to have been damaged, the same procedures
319 described in subdivision (3) of this section for substituting such record
320 with the voting [machine] tabulator generated, individual, permanent,
321 paper record produced by the voting [machine] tabulator bearing the
322 identical [machine] tabulator generated unique identifier as the
323 damaged record shall apply and be utilized by the audit officials to
324 complete the reconciliation. The reconciliation sheet shall be open to
325 public inspection and may be used as prima facie evidence of a
326 discrepancy in any contest arising pursuant to chapter 149. If the audit
327 officials are unable to reconcile the manual count with the electronic
328 vote tabulation and discrepancies, the Secretary of the State shall
329 conduct such further investigation of the voting [machine] tabulator
330 malfunction as may be necessary for the purpose of reviewing whether
331 or not to decertify the voting [machine] tabulator or [machines]
332 tabulators and may order a recanvass in accordance with the
333 provisions of subdivision (4) of this section.

334 (6) The individual, permanent, voter-verified, paper records
335 contemporaneously produced by any direct recording electronic
336 voting [machine] tabulator in use at an election or primary held on or
337 after July 1, 2005, shall be carefully preserved and returned in their
338 designated receptacle in accordance with the requirements of section 9-
339 266 [9-302] or 9-310, whichever is applicable, and may not be opened
340 or destroyed, except during recanvass or manual audit as set forth in
341 this section, for one hundred eighty days following an election or

342 primary that does not include a federal office, pursuant to section 9-
343 310, or for twenty-two months following an election or primary
344 involving a federal office, pursuant to 42 USC 1974, as amended from
345 time to time.

346 (7) Nothing in this section shall preclude any candidate or elector
347 from seeking additional remedies pursuant to chapter 149.

348 (8) After an election or primary, any voting [machine] tabulator may
349 be kept locked for a period longer than that prescribed by sections 9-
350 266, 9-310 and 9-447, as amended by this act, if such an extended
351 period is ordered by either a court of competent jurisdiction or the
352 State Elections Enforcement Commission. Either the court or said
353 commission may order an audit of such voting [machines] tabulators
354 to be conducted by such persons as the court or said commission may
355 designate.

356 Sec. 11. Section 9-245 of the general statutes is repealed and the
357 following is substituted in lieu thereof (*Effective from passage*):

358 The reports of the [mechanics] registrars of voters, provided for
359 under section 9-246, and the report provided for under subsection (c)
360 of section 9-244, shall be filed with the municipal clerk and shall be
361 kept by the municipal clerk for at least sixty days after the election for
362 which the [machines] tabulators were so prepared.

363 Sec. 12. Subsection (a) of section 9-249a of the general statutes is
364 repealed and the following is substituted in lieu thereof (*Effective from*
365 *passage*):

366 (a) The names of the parties shall be arranged on the [machines]
367 ballots in the following order:

368 (1) The party whose candidate for Governor polled the highest
369 number of votes in the last-preceding election;

370 (2) Other parties who had candidates for Governor in the last-

371 preceding election, in descending order, according to the number of
372 votes polled for each such candidate;

373 (3) Minor parties who had no candidate for Governor in the last-
374 preceding election;

375 (4) Petitioning candidates with party designation whose names are
376 contained in petitions approved pursuant to section 9-453o; and

377 (5) Petitioning candidates with no party designation whose names
378 are contained in petitions approved pursuant to section 9-453o.

379 Sec. 13. Subsection (a) of section 9-249b of the general statutes is
380 repealed and the following is substituted in lieu thereof (*Effective from*
381 *passage*):

382 (a) If, after applying the provisions of sections 9-249a, as amended
383 by this act, and 9-453r, as amended by this act, the number of party
384 designations and petitioning candidate rows on the ballot exceeds
385 nine, the Secretary of the State may authorize (1) two or more party
386 designations and petitioning candidates to appear on the same row of
387 the [voting machines] ballot, beginning with the ninth row on the
388 [voting machines] ballot and, if necessary, then moving up one or
389 more rows, (2) that an office take two or more columns on the [voting
390 machines] ballot, and (3) that the party designation, or an abbreviation
391 of it, be repeated on the ballot.

392 Sec. 14. Section 9-250a of the general statutes is repealed and the
393 following is substituted in lieu thereof (*Effective from passage*):

394 When a political party has failed to nominate a candidate for any
395 office for which it is entitled to make such nomination, the space on the
396 ballot [label] in which the name of the party's candidate would appear
397 shall be left blank.

398 Sec. 15. Section 9-251 of the general statutes is repealed and the
399 following is substituted in lieu thereof (*Effective from passage*):

400 In the preparation of [ballot labels] ballots for use at a state election
401 precedence shall be given to the offices to be voted for at such election
402 in the following descending order: Presidential electors, Governor and
403 Lieutenant Governor, United States senator, representative in
404 Congress, state senator, state representative, Secretary of the State,
405 Treasurer, Comptroller, Attorney General and judge of probate. In the
406 preparation of [ballot labels] ballots for use at a municipal election,
407 unless otherwise provided by law, the order of the offices shall be as
408 prescribed by the Secretary of the State, which order, so far as
409 practicable, shall be uniform throughout the state.

410 Sec. 16. Section 9-311a of the general statutes is repealed and the
411 following is substituted in lieu thereof (*Effective from passage*):

412 For purposes of this section, state, district and municipal offices
413 shall be as defined in section 9-372, as amended by this act, except that
414 the office of presidential elector shall be deemed a state office.
415 Forthwith after a regular or special election for municipal office, or
416 forthwith upon tabulation of the vote for state and district offices by
417 the Secretary of the State, when at any such election the plurality of an
418 elected candidate for an office over the vote for a defeated candidate
419 receiving the next highest number of votes was either (1) less than a
420 vote equivalent to one-half of one per cent of the total number of votes
421 cast for the office but not more than two thousand votes, or (2) less
422 than twenty votes, there shall be a recanvass of the returns of the
423 voting [machine] tabulator or voting [machines] tabulators and
424 absentee ballots used in such election for such office unless such
425 defeated candidate or defeated candidates, as the case may be, for such
426 office file a written statement waiving this right to such canvass with
427 the municipal clerk in the case of a municipal office, or with the
428 Secretary of the State in the case of a state or district office. In the case
429 of state and district offices, the Secretary of the State upon tabulation of
430 the votes for such offices shall notify the town clerks in the state or
431 district, as the case may be, of the state and district offices which
432 qualify for an automatic recanvass and shall also notify each candidate

433 for any such office. When a recanvass is to be held the municipal clerk
 434 shall promptly notify the moderator, as defined in section 9-311, who
 435 shall proceed forthwith to cause a recanvass of such returns of the
 436 office in question in the same manner as is provided in said section 9-
 437 311. In addition to the notice required under section 9-311, the
 438 moderator shall before such recanvass is made give notice in writing of
 439 the time when, and place where, such recanvass is to be made to each
 440 candidate for a municipal office which qualifies for an automatic
 441 recanvass under this section. Nothing in this section shall preclude the
 442 right to judicial proceedings on behalf of a candidate under any
 443 provision of chapter 149. For the purposes of this section, "the total
 444 number of votes cast for the office" means in the case of multiple
 445 openings for the same office, the total number of electors checked as
 446 having voted in the state, district, municipality or political subdivision,
 447 as the case may be. When a recanvass of the returns for an office for
 448 which there are multiple openings is required by the provisions of this
 449 section, the returns for all candidates for all openings for the office
 450 shall be recanvassed. No one other than a recanvass official shall take
 451 part in the recanvass. If any irregularity in the recanvass procedure is
 452 noted by a candidate, [he] the candidate shall be permitted to present
 453 evidence of such irregularity in any contest relating to the election.

454 Sec. 17. Section 9-323 of the general statutes is repealed and the
 455 following is substituted in lieu thereof (*Effective from passage*):

456 Any elector or candidate who claims [that he is] to be aggrieved by
 457 any ruling of any election official in connection with any election for
 458 presidential electors and for a senator in Congress and for
 459 representative in Congress or any of them, held in [his] such elector's
 460 or candidate's town, or that there was a mistake in the count of the
 461 votes cast at such election for candidates for such electors, senator in
 462 Congress and representative in Congress, or any of them, at any voting
 463 district in [his] such elector's or candidate's town, or any candidate for
 464 such an office who claims [that he is] to be aggrieved by a violation of
 465 any provision of section 9-355, 9-357 to 9-361, inclusive, 9-364, 9-364a

466 or 9-365 in the casting of absentee ballots at such election, may bring
467 [his] such elector's or candidate's complaint to any judge of the
468 Supreme Court, in which [he] such elector or candidate shall set out
469 the claimed errors of such election official, the claimed errors in the
470 count or the claimed violations of said sections. In any action brought
471 pursuant to the provisions of this section, the complainant shall file a
472 certification attached to the complaint indicating that a copy of the
473 complaint has been sent by first-class mail or delivered to the State
474 Elections Enforcement Commission. If such complaint is made prior to
475 such election, such judge shall proceed expeditiously to render
476 judgment on the complaint and shall cause notice of the hearing to be
477 given to the Secretary of the State and the State Elections Enforcement
478 Commission. If such complaint is made subsequent to the election, it
479 shall be brought not later than fourteen days after the election or, if
480 such complaint is brought in response to the manual tabulation of
481 paper ballots authorized pursuant to section 9-320f, such complaint
482 shall be brought not later than seven days after the close of any such
483 manual tabulation, and in either such circumstance, the judge shall
484 forthwith order a hearing to be had upon such complaint, upon a day
485 not more than five or less than three days from the making of such
486 order, and shall cause notice of not less than three or more than five
487 days to be given to any candidate or candidates whose election may be
488 affected by the decision upon such hearing, to such election official, to
489 the Secretary of the State, to the State Elections Enforcement
490 Commission and to any other party or parties whom such judge deems
491 proper parties thereto, of the time and place for the hearing upon such
492 complaint. Such judge, with two other judges of the Supreme Court to
493 be designated by the Chief Court Administrator, shall, on the day fixed
494 for such hearing and without unnecessary delay, proceed to hear the
495 parties. If sufficient reason is shown, such judges may order any voting
496 [machines] tabulators to be unlocked or any ballot boxes to be opened
497 and a recount of the votes cast, including absentee ballots, to be made.
498 Such judges shall thereupon, in the case they, or any two of them, find
499 any error in the rulings of the election official, any mistake in the count

500 of such votes or any violation of said sections, certify the result of their
501 finding or decision, or the finding or decision of a majority of them, to
502 the Secretary of the State before the first Monday after the second
503 Wednesday in December. Such judges may order a new election or a
504 change in the existing election schedule, provided such order complies
505 with Section 302 of the Help America Vote Act, P.L. 107-252, as
506 amended from time to time. Such certificate of such judges, or a
507 majority of them, shall be final upon all questions relating to the
508 rulings of such election officials, to the correctness of such count and,
509 for the purposes of this section only, such claimed violations, and shall
510 operate to correct the returns of the moderators or presiding officers so
511 as to conform to such finding or decision.

512 Sec. 18. Section 9-324 of the general statutes is repealed and the
513 following is substituted in lieu thereof (*Effective from passage*):

514 Any elector or candidate who claims that such elector or candidate
515 is aggrieved by any ruling of any election official in connection with
516 any election for Governor, Lieutenant Governor, Secretary of the State,
517 State Treasurer, Attorney General, State Comptroller or judge of
518 probate, held in such elector's or candidate's town, or that there has
519 been a mistake in the count of the votes cast at such election for
520 candidates for said offices or any of them, at any voting district in such
521 elector's or candidate's town, or any candidate for such an office who
522 claims that such candidate is aggrieved by a violation of any provision
523 of section 9-355, 9-357 to 9-361, inclusive, 9-364, 9-364a or 9-365 in the
524 casting of absentee ballots at such election or any candidate for the
525 office of Governor, Lieutenant Governor, Secretary of the State, State
526 Treasurer, Attorney General or State Comptroller, who claims that
527 such candidate is aggrieved by a violation of any provision of sections
528 9-700 to 9-716, inclusive, may bring such elector's or candidate's
529 complaint to any judge of the Superior Court, in which such elector or
530 candidate shall set out the claimed errors of such election official, the
531 claimed errors in the count or the claimed violations of said sections. In
532 any action brought pursuant to the provisions of this section, the

533 complainant shall send a copy of the complaint by first-class mail, or
534 deliver a copy of the complaint by hand, to the State Elections
535 Enforcement Commission. If such complaint is made prior to such
536 election, such judge shall proceed expeditiously to render judgment on
537 the complaint and shall cause notice of the hearing to be given to the
538 Secretary of the State and the State Elections Enforcement Commission.
539 If such complaint is made subsequent to the election, it shall be
540 brought not later than fourteen days after the election or, if such
541 complaint is brought in response to the manual tabulation of paper
542 ballots authorized pursuant to section 9-320f, such complaint shall be
543 brought not later than seven days after the close of any such manual
544 tabulation and, in either such circumstance, such judge shall forthwith
545 order a hearing to be had upon such complaint, upon a day not more
546 than five nor less than three days from the making of such order, and
547 shall cause notice of not less than three nor more than five days to be
548 given to any candidate or candidates whose election may be affected
549 by the decision upon such hearing, to such election official, the
550 Secretary of the State, the State Elections Enforcement Commission and
551 to any other party or parties whom such judge deems proper parties
552 thereto, of the time and place for the hearing upon such complaint.
553 Such judge shall, on the day fixed for such hearing and without
554 unnecessary delay, proceed to hear the parties. If sufficient reason is
555 shown, such judge may order any voting [machines] tabulators to be
556 unlocked or any ballot boxes to be opened and a recount of the votes
557 cast, including absentee ballots, to be made. Such judge shall
558 thereupon, in case such judge finds any error in the rulings of the
559 election official, any mistake in the count of the votes or any violation
560 of said sections, certify the result of such judge's finding or decision to
561 the Secretary of the State before the fifteenth day of the next
562 succeeding December. Such judge may order a new election or a
563 change in the existing election schedule. Such certificate of such judge
564 of such judge's finding or decision shall be final and conclusive upon
565 all questions relating to errors in the rulings of such election officials,
566 to the correctness of such count, and, for the purposes of this section

567 only, such claimed violations, and shall operate to correct the returns
568 of the moderators or presiding officers, so as to conform to such
569 finding or decision, unless the same is appealed from as provided in
570 section 9-325.

571 Sec. 19. Section 9-328 of the general statutes is repealed and the
572 following is substituted in lieu thereof (*Effective from passage*):

573 Any elector or candidate claiming to have been aggrieved by any
574 ruling of any election official in connection with an election for any
575 municipal office or a primary for justice of the peace, or any elector or
576 candidate claiming that there has been a mistake in the count of votes
577 cast for any such office at such election or primary, or any candidate in
578 such an election or primary claiming [that he is] to be aggrieved by a
579 violation of any provision of sections 9-355, 9-357 to 9-361, inclusive, 9-
580 364, 9-364a or 9-365 in the casting of absentee ballots at such election or
581 primary, may bring a complaint to any judge of the Superior Court for
582 relief therefrom. In any action brought pursuant to the provisions of
583 this section, the complainant shall send a copy of the complaint by
584 first-class mail, or deliver a copy of the complaint by hand, to the State
585 Elections Enforcement Commission. If such complaint is made prior to
586 such election or primary, such judge shall proceed expeditiously to
587 render judgment on the complaint and shall cause notice of the hearing
588 to be given to the Secretary of the State and the State Elections
589 Enforcement Commission. If such complaint is made subsequent to
590 such election or primary, it shall be brought not later than fourteen
591 days after such election or primary, except that if such complaint is
592 brought in response to the manual tabulation of paper ballots,
593 authorized pursuant to section 9-320f, such complaint shall be brought
594 not later than seven days after the close of any such manual tabulation,
595 to any judge of the Superior Court, in which [he] the complainant shall
596 set out the claimed errors of the election official, the claimed errors in
597 the count or the claimed violations of said sections. Such judge shall
598 forthwith order a hearing to be had upon such complaint, upon a day
599 not more than five nor less than three days from the making of such

600 order, and shall cause notice of not less than three nor more than five
 601 days to be given to any candidate or candidates whose election or
 602 nomination may be affected by the decision upon such hearing, to such
 603 election official, the Secretary of the State, the State Elections
 604 Enforcement Commission and to any other party or parties whom
 605 such judge deems proper parties thereto, of the time and place for the
 606 hearing upon such complaint. Such judge shall, on the day fixed for
 607 such hearing and without unnecessary delay, proceed to hear the
 608 parties. If sufficient reason is shown, [he] such judge may order any
 609 voting [machines] tabulators to be unlocked or any ballot boxes to be
 610 opened and a recount of the votes cast, including absentee ballots, to
 611 be made. Such judge shall thereupon, if [he] such judge finds any error
 612 in the rulings of the election official or any mistake in the count of the
 613 votes, certify the result of [his] such judge's finding or decision to the
 614 Secretary of the State before the tenth day succeeding the conclusion of
 615 the hearing. Such judge may order a new election or primary or a
 616 change in the existing election schedule. Such certificate of such judge
 617 of [his] such judge's finding or decision shall be final and conclusive
 618 upon all questions relating to errors in the ruling of such election
 619 officials, to the correctness of such count, and, for the purposes of this
 620 section only, such claimed violations, and shall operate to correct the
 621 returns of the moderators or presiding officers, so as to conform to
 622 such finding or decision, except that this section shall not affect the
 623 right of appeal to the Supreme Court and it shall not prevent such
 624 judge from reserving such questions of law for the advice of the
 625 Supreme Court as provided in section 9-325. Such judge may, if
 626 necessary, issue [his] a writ of mandamus, requiring the adverse party
 627 and those under [him] such judge to deliver to the complainant the
 628 appurtenances of such office, and shall cause [his] such judge's finding
 629 and decree to be entered on the records of the Superior Court in the
 630 proper judicial district.

631 Sec. 20. Subsection (b) of section 9-329a of the general statutes is
 632 repealed and the following is substituted in lieu thereof (*Effective from*
 633 *passage*):

634 (b) Such judge shall forthwith order a hearing to be held upon such
 635 complaint upon a day not more than five nor less than three days after
 636 the making of such order, and shall cause notice of not less than three
 637 days to be given to any candidate or candidates in any way directly
 638 affected by the decision upon such hearing, to such election official, to
 639 the Secretary of the State, the State Elections Enforcement Commission
 640 and to any other person or persons, whom such judge deems proper
 641 parties thereto, of the time and place of the hearing upon such
 642 complaint. Such judge shall, on the day fixed for such hearing, and
 643 without delay, proceed to hear the parties and determine the result. If,
 644 after hearing, sufficient reason is shown, such judge may order any
 645 voting [machines] tabulators to be unlocked or any ballot boxes to be
 646 opened and a recount of the votes cast, including absentee ballots, to
 647 be made. Such judge shall thereupon, if [he] such judge finds any error
 648 in the ruling of the election official, any mistake in the count of the
 649 votes or any violation of said sections, certify the result of his finding
 650 or decision to the Secretary of the State before the tenth day following
 651 the conclusion of the hearing. Such judge may (1) determine the result
 652 of such primary; (2) order a change in the existing primary schedule; or
 653 (3) order a new primary if [he] such judge finds that but for the error in
 654 the ruling of the election official, any mistake in the count of the votes
 655 or any violation of said sections, the result of such primary might have
 656 been different and [he] such judge is unable to determine the result of
 657 such primary.

658 Sec. 21. Section 9-329b of the general statutes is repealed and the
 659 following is substituted in lieu thereof (*Effective from passage*):

660 At any time prior to a primary held pursuant to sections 9-423, 9-425
 661 and 9-464, or a special act or prior to any election, the Superior Court
 662 may issue an order removing a candidate from a ballot [label] where it
 663 is shown that said candidate is improperly on the ballot.

664 Sec. 22. Section 9-330 of the general statutes is repealed and the
 665 following is substituted in lieu thereof (*Effective from passage*):

666 Any judge having jurisdiction over any action brought under
667 section 9-323, 9-324, 9-328, as amended by this act, or 9-329a, as
668 amended by this act, shall have the power, if sufficient reason is
669 shown, to order the examination and testing of any voting [machines]
670 tabulators.

671 Sec. 23. Section 9-332 of the general statutes is repealed and the
672 following is substituted in lieu thereof (*Effective from passage*):

673 If the electors fail to choose a candidate for any office by reason of
674 an equality of votes at any election, and no provision is otherwise
675 made by law for the election of a candidate to such office, such election
676 shall stand adjourned for three weeks at the same hour at which the
677 first election was held. [Ballot labels] Ballots of the same form and
678 description as described in sections 9-250 to 9-256, inclusive, except
679 that such [ballot labels] ballots shall contain only the names of the
680 candidates for whom the same are to be voted, shall be used in the
681 election on such adjourned day, and the election shall be conducted in
682 the same manner as on the first day, except that the votes shall be cast
683 for such officer only. [Ballot labels] Ballots for such election shall be
684 provided forthwith by the clerk of the municipality wherein such
685 election stands adjourned, and such clerk shall furnish the Secretary of
686 the State with an accurate list of all candidates to be voted for at such
687 adjourned election. The clerk of the municipality wherein such election
688 so stands adjourned shall, at least three days prior to the day of such
689 adjourned election, give notice of the day, hours, place and purpose
690 thereof by publishing such notice in a newspaper published in such
691 municipality or having a circulation therein. No such election shall be
692 held if prior to such election all but one of the candidates for such
693 office die, withdraw their names or for any reason become disqualified
694 to hold such office, and, in such event, the remaining candidate shall
695 be deemed to be lawfully elected to such office. No withdrawal shall
696 be valid until the candidate who has withdrawn has filed a letter of
697 withdrawal signed by such candidate with the Secretary of the State or,
698 in the case of a municipal office, until the candidate who has

699 withdrawn has filed a letter of withdrawal signed by such candidate
700 with the municipal clerk. When such an election is required to be held
701 under the provisions of this section for any office other than a
702 municipal office, and prior to such election all but one of the
703 candidates for such office die, withdraw their names or for any reason
704 become disqualified to hold such office, the Secretary of the State shall
705 forthwith notify the clerk of each municipality wherein such election
706 was to have been held of such fact, and shall forthwith direct each such
707 clerk that such election shall not be held. In the case of a multiple
708 opening office only the names of those candidates whose votes are
709 equal shall be placed on the ballot [label] of the adjourned election.

710 Sec. 24. Section 9-352 of the general statutes is repealed and the
711 following is substituted in lieu thereof (*Effective from passage*):

712 Any election official who, with intent to cause or permit any voting
713 [machine] tabulator to fail to correctly register all votes cast thereon,
714 tampers with or disarranges such [machine] tabulator in any way or
715 any part or appliance thereof, or causes such [machine] tabulator to be
716 used or consents to its being used for voting at any election with
717 knowledge of the fact that the same is not in order, or not perfectly set
718 and adjusted to correctly register all votes cast thereon, or who, for the
719 purpose of defrauding or deceiving any elector or of causing it to be
720 doubtful for what candidate or candidates or proposition any vote is
721 cast, or causing it to appear upon such [machine] tabulator that votes
722 cast for one candidate or proposition were cast for another candidate
723 or proposition, removes, changes or mutilates any ballot [label on such
724 machine or any part thereof,] shall be fined not more than one
725 thousand dollars or imprisoned not more than five years, or both.

726 Sec. 25. Section 9-353 of the general statutes is repealed and the
727 following is substituted in lieu thereof (*Effective from passage*):

728 Any election official who, at the close of the polls, purposely causes
729 the vote registered on the [machine] tabulator to be incorrectly taken
730 down as to any candidate or proposition voted on, or who knowingly

731 causes to be made or signed any false statement, certificate or return of
732 any kind, of such vote, or who knowingly consents to any such act,
733 shall be fined not more than one thousand dollars or imprisoned not
734 more than five years, or both.

735 Sec. 26. Section 9-354 of the general statutes is repealed and the
736 following is substituted in lieu thereof (*Effective from passage*):

737 Any person who prints or causes to be printed upon any official
738 ballot [label] the name of any person not a candidate of a party whose
739 name is printed at the head of the column containing such nominees or
740 who prints or causes to be printed any authorized ballot [label] in any
741 manner other than that prescribed by the Secretary of the State shall be
742 fined not less than one hundred dollars nor more than one thousand
743 dollars or be imprisoned not more than five years or be both fined and
744 imprisoned.

745 Sec. 27. Section 9-363 of the general statutes is repealed and the
746 following is substituted in lieu thereof (*Effective from passage*):

747 Any person who, with intent to defraud any elector of [his] the
748 elector's vote or cause any elector to lose [his] the elector's vote or any
749 part thereof, gives in any way, or prints, writes or circulates, or causes
750 to be written, printed or circulated, any improper, false, misleading or
751 incorrect instructions or advice or suggestions as to the manner of
752 voting on any [machine] tabulator, the following of which or any part
753 of which would cause any elector to lose [his] the elector's vote or any
754 part thereof, or would cause any elector to fail in whole or in part to
755 register or record the same on the [machine] tabulator for the
756 candidates of [his] the elector's choice, shall be fined not more than five
757 hundred dollars or be imprisoned not more than five years or be both
758 fined and imprisoned.

759 Sec. 28. Section 9-366 of the general statutes is repealed and the
760 following is substituted in lieu thereof (*Effective from passage*):

761 Any person who induces or attempts to induce any elector to write,
762 paste or otherwise place, on a write-in ballot voted on a voting
763 [machine] tabulator at any election, any name, sign or device of any
764 kind, as a distinguishing mark by which to indicate to another how
765 such elector voted, or enters into or attempts to form any agreement or
766 conspiracy with any person to induce or attempt to induce electors or
767 any elector to so place any distinguishing mark on such ballot, or
768 attempts to induce any elector to do anything with a view to enabling
769 another person to see or know for what persons or any of them such
770 elector votes on such [machine] tabulator, or enters into or attempts to
771 form any agreement or conspiracy to induce any elector to do any act
772 for the purpose of enabling another person or persons to see or know
773 for what person or persons such elector votes, or attempts to induce
774 any person to place himself in such position, or to do any other act for
775 the purpose of enabling him to see or know for what candidates any
776 elector other than himself votes on such [machine] tabulator, or
777 himself attempts to get in such position to do any act so that he will be
778 enabled to see or know how any elector other than himself votes on
779 such [machine] tabulator, or does any act which invades or interferes
780 with the secrecy of the voting or causes the same to be invaded or
781 interfered with, shall be imprisoned not more than five years.

782 Sec. 29. Subsection (b) of section 9-369d of the general statutes is
783 repealed and the following is substituted in lieu thereof (*Effective from*
784 *passage*):

785 (b) (1) The procedures set forth in this subsection shall only apply if
786 a municipality so chooses and only upon approval of such procedure
787 by its legislative body or in any town in which the legislative body is a
788 town meeting, by the board of selectmen.

789 (2) Voters who are not electors shall vote by separate voting
790 [machine] tabulator or paper ballot, containing solely the question, at
791 one separate location which may be a separate room in the location at
792 which electors vote. Such separate location shall be treated as a

793 separate voting district and polling place for such voters, except that
794 the registrars of voters shall appoint a moderator who shall be the
795 head moderator for the purpose of this question only, and such other
796 officials as the registrars deem necessary. The moderator of such
797 separate location shall add the results of the vote by electors on the
798 question to the results of the vote by voters who are not electors, and
799 shall file such results in the office of the municipal clerk. The
800 moderator of such separate location shall be the moderator for the
801 purposes of a recanvass of a close vote on such question under section
802 9-370a. The head moderator of the town shall indicate on the return of
803 vote of such question filed with the Secretary of the State that such
804 return does not include the return of vote of voters who are not
805 electors.

806 Sec. 30. Section 9-371b of the general statutes is repealed and the
807 following is substituted in lieu thereof (*Effective from passage*):

808 Any person (1) claiming to have been aggrieved by any ruling of
809 any election official in connection with a referendum, (2) claiming that
810 there has been a mistake in the count of votes cast for a referendum, or
811 (3) claiming to be aggrieved by a violation of any provision of section
812 9-355, 9-357 to 9-361, inclusive, 9-364, 9-364a or 9-365 in the casting of
813 absentee ballots at a referendum, may bring a complaint to any judge
814 of the Superior Court for relief from such ruling, mistake or violation.
815 In any action brought pursuant to the provisions of this section, the
816 complainant shall send a copy of the complaint by first class mail, or
817 deliver a copy of the complaint by hand, to the State Elections
818 Enforcement Commission. If such complaint is made prior to such
819 referendum, such judge shall proceed expeditiously to render
820 judgment on the complaint and shall cause notice of the hearing to be
821 given to the Secretary of the State and the State Elections Enforcement
822 Commission. If such complaint is made subsequent to such
823 referendum, it shall be brought within thirty days after such
824 referendum to any judge of the Superior Court, in which the person
825 shall set out the claimed errors of the election official, the claimed

826 errors in the count or the claimed violations of said sections. Such
827 judge shall forthwith order a hearing to be held upon such complaint,
828 upon a day not more than five or less than three days from the making
829 of such order, and shall cause notice of not less than three or more than
830 five days to be given to any person who may be affected by the
831 decision upon such hearing, to such election official, the Secretary of
832 the State, the State Elections Enforcement Commission and to any
833 other party or parties whom such judge deems proper parties to the
834 hearing, of the time and place for the hearing upon such complaint.
835 Such judge shall, on the day fixed for such hearing and without
836 unnecessary delay, proceed to hear the parties. If sufficient reason is
837 shown, such judge may order any voting [machines] tabulators to be
838 unlocked or any ballot boxes to be opened and a recount of the votes
839 cast, including absentee ballots, to be made. Such judge shall, if such
840 judge finds any error in the rulings of the election official or any
841 mistake in the count of the votes, certify the result of such judge's
842 finding or decision to the Secretary of the State before the tenth day
843 succeeding the conclusion of the hearing. Such judge may order a new
844 referendum or a change in the existing referendum schedule. Such
845 certificate of such judge's finding or decision shall be final and
846 conclusive upon all questions relating to errors in the ruling of such
847 election officials, to the correctness of such count, and, for the purposes
848 of this section only, such claimed violations, and shall operate to
849 correct the returns of the moderators or presiding officers, so as to
850 conform to such finding or decision, except that this section shall not
851 affect the right of appeal to the Supreme Court and it shall not prevent
852 such judge from reserving such questions of law for the advice of the
853 Supreme Court as provided in section 9-325. Such judge may, if
854 necessary, issue a writ of mandamus, requiring the adverse party and
855 those under such judge to deliver to the complainant the
856 appurtenances of such office, and shall cause such judge's finding and
857 decree to be entered on the records of the Superior Court in the proper
858 judicial district.

859 Sec. 31. Subdivision (15) of section 9-372 of the general statutes is

860 repealed and the following is substituted in lieu thereof (*Effective from*
861 *passage*):

862 (15) "Votes cast for the same office at the last-preceding election" or
863 "votes cast for all candidates for such office at the last-preceding
864 election" means, in the case of multiple openings for the same office,
865 the total number of electors checked as having voted at the last-
866 preceding election at which such office appeared on the ballot. [label.]

867 Sec. 32. Subsection (a) of section 9-400 of the general statutes is
868 repealed and the following is substituted in lieu thereof (*Effective from*
869 *passage*):

870 (a) A candidacy for nomination by a political party to a state office
871 may be filed by or on behalf of any person whose name appears upon
872 the last-completed enrollment list of such party in any municipality
873 within the state and who has either (1) received at least fifteen per cent
874 of the votes of the convention delegates present and voting on any roll-
875 call vote taken on the endorsement or proposed endorsement of a
876 candidate for such state office, whether or not the party-endorsed
877 candidate for such office received a unanimous vote on the last ballot,
878 or (2) circulated a petition and obtained the signatures of at least two
879 per cent of the enrolled members of such party in the state, in
880 accordance with the provisions of sections 9-404a to 9-404c, inclusive.
881 Candidacies described in subdivision (1) of this subsection shall be
882 filed by submitting to the Secretary of the State not later than four
883 o'clock p.m. on the fourteenth day following the close of the state
884 convention, a certificate, signed by such candidate and attested by
885 either (A) the chairman or presiding officer, or (B) the secretary of the
886 convention, that such candidate received at least fifteen per cent of
887 such votes, and that such candidate consents to be a candidate in a
888 primary of such party for such state office. Such certificate shall specify
889 the candidate's name as the candidate authorizes it to appear on the
890 ballot, the candidate's full residence address and the title of the office
891 for which the candidacy is being filed. A single such certificate or

petition for state office may be filed on behalf of two or more candidates for different state offices who consent to have their names appear on a single row of the primary ballot [label] under subsection (b) of section 9-437. Candidacies described in subdivision (2) of this subsection shall be filed by submitting said petition not later than four o'clock p.m. on the sixty-third day preceding the day of the primary for such office to the registrar of voters of the towns in which the respective petition pages were circulated. Each registrar shall file each page of such petition with the Secretary of the State in accordance with the provisions of section 9-404c. A petition filed by or on behalf of a candidate for state office shall be invalid for such candidate if such candidate is certified as the party-endorsed candidate pursuant to section 9-388 or as receiving at least fifteen per cent of the convention vote for such office pursuant to this subsection. Except as provided in section 9-416a, upon the expiration of the time period for party endorsement and circulation and tabulation of petitions and signatures, if any, if one or more candidacies for such state office have been filed pursuant to the provisions of this section, the Secretary of the State shall notify all [town clerks] registrars of voters in accordance with the provisions of section 9-433, that a primary for such state office shall be held in each municipality in accordance with the provisions of section 9-415.

Sec. 33. Section 9-434 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Upon the filing with the clerk of a municipality of the names of party-endorsed candidates pursuant to section 9-390 or upon the filing with such clerk of petitions for contesting candidates pursuant to section 9-412, [such clerk] the registrar of voters shall verify and correct the names of such candidates in accordance with the registry list of such municipality, endorse the same as having been so verified and corrected and use the same in the preparation of the [ballot labels] ballots for the primary. The provisions of this section shall not apply to the municipal offices of state senator and state representative.

925 Sec. 34. Section 9-440 of the general statutes is repealed and the
926 following is substituted in lieu thereof (*Effective from passage*):

927 Upon the closing of the polls at any primary held under sections 9-
928 382 to 9-450, inclusive, the moderator, in the presence of the other
929 officials, shall immediately lock the voting [machines] tabulators
930 against voting and shall then proceed to ascertain, record and
931 announce the result in the manner provided by law for ascertaining,
932 recording and announcing the result in regular elections. The election
933 officials shall execute certificates and returns similar to those required
934 in regular elections. The moderator in each town not divided into
935 voting districts, and the head moderator in each town divided into
936 voting districts, shall transmit the results of the vote for each office
937 contested at any such primary in the same manner and within the
938 same time as provided under section 9-314 in an election for such
939 office. The late filing fee provided under section 9-314 shall apply to
940 late filing of results of primaries for state or district office. In the case of
941 primaries for state or district offices, the Secretary of the State shall
942 forthwith cause to be tabulated the result of the votes cast in the
943 several municipalities in which such primaries have been held and
944 shall publicly declare the result thereof, and a certificate attesting
945 thereto shall be entered in [his] the secretary's records.

946 Sec. 35. Section 9-445 of the general statutes is repealed and the
947 following is substituted in lieu thereof (*Effective from passage*):

948 Forthwith after a primary for nomination to a municipal office or for
949 election of members of a town committee, or forthwith upon tabulation
950 of the vote for a state or district office by the Secretary of the State
951 when the plurality of an elected or nominated candidate over the vote
952 for a defeated candidate receiving the next highest number of votes
953 was either (1) less than a vote equivalent to one-half of one per cent of
954 the total number of votes cast at the primary for the office or position
955 but not more than one thousand votes, or (2) less than twenty votes,
956 there shall be a recanvass of the returns of the voting [machine or

957 voting machines] tabulator or voting tabulators used in such primary
 958 for [said] such office or position unless within one day after the
 959 primary, in the case of nomination to a municipal office or for election
 960 of members of a town committee, or prior to the time the Secretary of
 961 the State notifies the [town clerk] registrar of voters of state and district
 962 offices which qualify for an automatic recanvass, the defeated
 963 candidate or defeated candidates, as the case may be, for such office or
 964 position file a written statement waiving the right to such recanvass
 965 with the municipal clerk in the case of a municipal office or town
 966 committee, or with the Secretary of the State in the case of a state or
 967 district office. In the case of a state or district office, the Secretary of the
 968 State, upon tabulation of the votes for such an office, shall notify the
 969 [town clerks] registrar of voters in the state or district, as the case may
 970 be, of the state and district offices which qualify for an automatic
 971 recanvass and shall also notify each candidate for any such office.
 972 When a recanvass is to be held, the municipal clerk shall promptly
 973 notify the moderator, as defined in section 9-311, who shall proceed
 974 forthwith to recanvass such returns of the office in question in the
 975 same manner as is provided for a recanvass in regular elections, except
 976 that the recanvass officials shall be divided equally, as nearly as may
 977 be, among the candidates for such office. In addition to the notice
 978 required under section 9-311, the moderator shall, before such
 979 recanvass is made, give notice in writing of the time and place of such
 980 recanvass to each candidate for a municipal office which qualifies for
 981 an automatic recanvass under this section. For purposes of this section,
 982 "the total number of votes cast at the primary for the office or position"
 983 means, in the case of multiple openings for the same office or position,
 984 the total number of electors checked as having voted in the primary in
 985 the state, district, municipality or political subdivision, as the case may
 986 be. When a recanvass of the returns for an office for which there are
 987 multiple openings is required by the provisions of this section, the
 988 returns for all candidates for all openings for the office shall be
 989 recanvassed. Nothing in this section shall preclude the right to judicial
 990 proceedings on behalf of such defeated candidate under any provision

991 of this chapter.

992 Sec. 36. Section 9-446 of the general statutes is repealed and the
993 following is substituted in lieu thereof (*Effective from passage*):

994 (a) If two or more candidates obtain the same number of votes at a
995 primary held to nominate candidates for a state or district office, and a
996 tie vote thereby occurs, any of such candidates, or the state chairman
997 of the political party, may apply for a recanvass of the returns in the
998 manner provided in section 9-445, as amended by this act. If no such
999 application is made, or if any such recanvass results in a tie vote, such
1000 primary shall stand adjourned for three weeks at the same hour at
1001 which the first primary was held. [Ballot labels] Ballots of the same
1002 form and description as described in section 9-437 shall be used in the
1003 primary on such adjourned day, and the primary shall be conducted in
1004 the same manner as on the first day, except that the votes shall be cast
1005 for such office only. [Ballot labels] Ballots for such primary shall be
1006 provided forthwith by the [clerk] registrar of voters of each
1007 municipality wherein such primary stands adjourned, and each [such]
1008 clerk of the municipality shall furnish the Secretary of the State with an
1009 accurate list of all candidates to be voted for at such adjourned
1010 primary. The clerk of each municipality in the state or the district,
1011 whichever is applicable, wherein such primary so stands adjourned
1012 shall, at least three days prior to the day of such adjourned primary,
1013 give notice of the day, hours, place and purpose thereof by publishing
1014 such notice in a newspaper published in such municipality or having a
1015 circulation therein. No such primary shall be held if prior to such
1016 primary all but one of the candidates for such office die, withdraw
1017 their names or for any reason become disqualified to hold such office,
1018 and, in such event, the remaining candidate shall be deemed to be
1019 lawfully voted upon as the candidate for such office. No withdrawal
1020 shall be valid until the candidate who has withdrawn has filed a letter
1021 of withdrawal signed by such candidate with the Secretary of the State.
1022 When such a primary is required to be held under the provisions of
1023 this section and prior to such primary all but one of the candidates for

1024 such office die, withdraw their names or for any reason become
1025 disqualified to hold such office, the Secretary of the State shall
1026 forthwith notify the [municipal clerk] registrar of voters of such fact,
1027 and shall forthwith direct the [clerk] registrar that such primary shall
1028 not be held. In the case of a multiple-opening office only the names of
1029 those candidates whose votes are equal shall be placed on the ballot
1030 [label] of the adjourned primary. If such second primary results in a tie
1031 vote, the Secretary of the State, in the presence of not fewer than three
1032 disinterested persons, and after notification to the candidates obtaining
1033 the same number of votes and the chairperson of the state central
1034 committee of the party holding the primary of the time when and the
1035 place where such tie vote is to be dissolved, shall dissolve such tie vote
1036 by lot. The Secretary of the State shall execute a certificate attesting to
1037 the result of the dissolution of such tie vote, and the person so certified
1038 or the slate so certified as having been chosen by lot shall be deemed to
1039 have received a plurality of the votes cast and shall be deemed to have
1040 been chosen as the nominee of such party to such office.

1041 (b) If two or more candidates obtain the same number of votes at a
1042 primary held to nominate candidates for a municipal office or to elect
1043 members of a town committee, or if two or more slates of candidates
1044 obtain the same number of votes at a primary held for justices of the
1045 peace, and a tie vote thereby occurs, any of such candidates, or the
1046 town chairman of the political party, may apply for a recanvass of the
1047 returns in the manner provided in section 9-445, as amended by this
1048 act. If no such application is made, or if any such recanvass results in a
1049 tie vote, such primary shall stand adjourned for three weeks at the
1050 same hour at which the first primary was held. [Ballot labels] Ballots of
1051 the same form and description as described in section 9-437 shall be
1052 used in the primary on such adjourned day, and the primary shall be
1053 conducted in the same manner as on the first day, except that the votes
1054 shall be cast for such office only. [Ballot labels] Ballots for such primary
1055 shall be provided forthwith by the [clerk] registrar of voters of the
1056 municipality wherein such primary stands adjourned, and [such] the
1057 clerk of the municipality shall furnish the Secretary of the State with an

1058 accurate list of all candidates to be voted for at such adjourned
1059 primary. The clerk of the municipality wherein such primary so stands
1060 adjourned shall, at least three days prior to the day of such adjourned
1061 primary, give notice of the day, hours, place and purpose thereof by
1062 publishing such notice in a newspaper published in such municipality
1063 or having a circulation therein. No such primary shall be held if prior
1064 to such primary all but one of the candidates for such office die,
1065 withdraw their names or for any reason become disqualified to hold
1066 such office, and, in such event, the remaining candidate shall be
1067 deemed to be lawfully voted upon as the candidate for such office. No
1068 withdrawal shall be valid until the candidate who has withdrawn has
1069 filed a letter of withdrawal signed by such candidate with the
1070 municipal clerk. When such a primary is required to be held under the
1071 provisions of this section and prior to such primary all but one of the
1072 candidates for such office die, withdraw their names or for any reason
1073 become disqualified to hold such office, the Secretary of the State shall
1074 forthwith notify the municipal clerk of such fact, and shall forthwith
1075 direct the clerk that such primary shall not be held. In the case of a
1076 multiple-opening office only the names of those candidates whose
1077 votes are equal shall be placed on the ballot [label] of the adjourned
1078 primary. If such second primary results in a tie vote, the registrar, in
1079 the presence of not fewer than three disinterested persons, and after
1080 notification to the candidates obtaining the same number of votes and
1081 the chairperson of the town committee of the party holding the
1082 primary of the time when and the place where such tie vote is to be
1083 dissolved, shall dissolve such tie vote by lot. The registrar shall execute
1084 a certificate attesting to the result of the dissolution of such tie vote,
1085 and the person so certified or the slate so certified as having been
1086 chosen by lot shall be deemed to have received a plurality of the votes
1087 cast and shall be deemed to have been chosen as the nominee of such
1088 party to such office.

1089 Sec. 37. Section 9-447 of the general statutes is repealed and the
1090 following is substituted in lieu thereof (*Effective from passage*):

1091 The voting [machines] tabulators used in any primary shall not be
1092 unlocked for a period of fourteen days from the date of the primary,
1093 unless otherwise ordered by any judge of the Superior Court [,] or by
1094 the State Elections Enforcement Commission. If a contest or
1095 investigation is pending, such [machines] tabulators shall not be
1096 unlocked for such longer period of time as may be ordered by any
1097 judge of the Superior Court, unless a recanvass has been applied for
1098 under the provisions of section 9-445, as amended by this act, or unless
1099 an order has been issued by the State Elections Enforcement
1100 Commission.

1101 Sec. 38. Section 9-453d of the general statutes is repealed and the
1102 following is substituted in lieu thereof (*Effective from passage*):

1103 Each petition shall be signed by a number of qualified electors equal
1104 to the lesser of (1) one per cent of the votes cast for the same office or
1105 offices at the last-preceding election, or the number of qualified
1106 electors prescribed by section 9-380 with regard to newly-created
1107 offices, or (2) seven thousand five hundred. "Qualified electors" means
1108 electors eligible to vote for all the candidates proposed by the petition.
1109 "Votes cast for the same office at the last-preceding election" means, in
1110 the case of multiple openings for the same office, the total number of
1111 electors checked as having voted at the last-preceding election at
1112 which such office appeared on the ballot. [label.]

1113 Sec. 39. Subsection (b) of section 9-453r of the general statutes is
1114 repealed and the following is substituted in lieu thereof (*Effective from*
1115 *passage*):

1116 (b) On the horizontal rows below the rows so used for candidates, if
1117 any, who are so entitled to a party designation on the [voting
1118 machines] ballot, shall be placed, in the appropriate office columns, the
1119 names of candidates contained in petitions approved pursuant to
1120 section 9-453o bearing no party designation. Such candidates shall not
1121 be entitled to separate rows. Precedence as to horizontal row between
1122 or among such candidates shall be determined, if necessary, by the

1123 order in which their applications for petitions were filed with the
1124 Secretary of the State from the earliest to the latest; provided that
1125 within any such horizontal row the names of as many of such
1126 candidates for the same multiple-opening office as such row will
1127 accommodate shall be placed before placing the names of other such
1128 candidates for such office on the next such row. The order of the names
1129 of such candidates for the same multiple-opening office, within and
1130 between any such horizontal rows, shall be determined by the
1131 registrars of voters by lot in a ceremony which shall be open to the
1132 public. The registrars of voters shall provide at least five days public
1133 notice for each such ceremony. Each row in which a candidate's name
1134 appears who is not entitled to a party designation shall be labeled
1135 "Petitioning Candidates", the print of which shall correspond to that
1136 used for party designations.

1137 Sec. 40. Section 9-470 of the general statutes is repealed and the
1138 following is substituted in lieu thereof (*Effective from passage*):

1139 The secretary shall determine by lot, in a public ceremony held on
1140 the thirty-fifth day preceding the day of the primary, the order in
1141 which the names of the candidates will appear on the ballot of each
1142 party at such primary; provided that the category "uncommitted" shall
1143 appear last on such ballots. Notwithstanding any provision of the
1144 general statutes to the contrary, no candidate shall be designated on
1145 the ballot as the party-endorsed candidate. The names of such
1146 candidates shall appear, in the order so determined by the secretary, in
1147 the first vertical column of the [voting machine] ballot. Such column
1148 shall be designated "Nomination for President of the United States";
1149 provided if the number of candidates is such that there is an
1150 insufficient number of places in such column, the secretary shall
1151 determine whether the names of the candidates shall also extend, in
1152 the order so determined, to the second and succeeding columns as
1153 may be necessary, or shall appear on the first and succeeding
1154 horizontal rows as may be necessary. Such columns or rows shall be
1155 designated as hereinabove provided. Except as otherwise provided in

1156 this chapter, the form of the ballot shall be prescribed by the secretary
 1157 and shall conform, as nearly as may be, to the provisions of section 9-
 1158 437.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	9-168a(a) and (b)
Sec. 2	<i>from passage</i>	9-188
Sec. 3	<i>from passage</i>	9-224
Sec. 4	<i>from passage</i>	9-229(b)
Sec. 5	<i>from passage</i>	9-236a
Sec. 6	<i>from passage</i>	9-238
Sec. 7	<i>from passage</i>	9-239
Sec. 8	<i>from passage</i>	9-240
Sec. 9	<i>from passage</i>	9-240a
Sec. 10	<i>from passage</i>	9-242b
Sec. 11	<i>from passage</i>	9-245
Sec. 12	<i>from passage</i>	9-249a(a)
Sec. 13	<i>from passage</i>	9-249b(a)
Sec. 14	<i>from passage</i>	9-250a
Sec. 15	<i>from passage</i>	9-251
Sec. 16	<i>from passage</i>	9-311a
Sec. 17	<i>from passage</i>	9-323
Sec. 18	<i>from passage</i>	9-324
Sec. 19	<i>from passage</i>	9-328
Sec. 20	<i>from passage</i>	9-329a(b)
Sec. 21	<i>from passage</i>	9-329b
Sec. 22	<i>from passage</i>	9-330
Sec. 23	<i>from passage</i>	9-332
Sec. 24	<i>from passage</i>	9-352
Sec. 25	<i>from passage</i>	9-353
Sec. 26	<i>from passage</i>	9-354
Sec. 27	<i>from passage</i>	9-363
Sec. 28	<i>from passage</i>	9-366
Sec. 29	<i>from passage</i>	9-369d(b)
Sec. 30	<i>from passage</i>	9-371b
Sec. 31	<i>from passage</i>	9-372(15)
Sec. 32	<i>from passage</i>	9-400(a)

Sec. 33	<i>from passage</i>	9-434
Sec. 34	<i>from passage</i>	9-440
Sec. 35	<i>from passage</i>	9-445
Sec. 36	<i>from passage</i>	9-446
Sec. 37	<i>from passage</i>	9-447
Sec. 38	<i>from passage</i>	9-453d
Sec. 39	<i>from passage</i>	9-453r(b)
Sec. 40	<i>from passage</i>	9-470

Statement of Purpose:

To make technical corrections to the elections statutes, including updating the statutes to reflect the current use of voting tabulators.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]